

REMARKS

Entry of the foregoing and favorable consideration of the subject application, in light of the following remarks, is respectfully requested.

By the foregoing amendment, claims 5, 24, 25, 46, 47, 67, 68, 87, 88, 92, 99, 112, 123, 124, 136, 137, 142 and 143 have been amended to correct several minor and inadvertent typographical errors therein. No new matter has been added.

In response to the Examiner's restriction requirement, applicant hereby elects, with traverse, the invention of Group I (claims 1, 11, 13, 14, 20, 22-25, 28, 94, 106, 113, 115, 116, 119, 121-124, 126, 146 and 149) which according to the Examiner is "drawn to a recombinant or isolated integrin subunit $\alpha 11$ having the amino acid sequence encoded by SEQ ID NO:1, and homologues and fragments thereof and a vaccine." Official Communication at 2.

Since this application is a national stage filing of a PCT application under 35 U.S.C. § 371, lack of unity standards apply. The Examiner has stated that "[t]he inventions listed as Groups I-III¹ do not relate to a single general inventive concept . . . because . . . they lack the same or corresponding technical features" since United States Patent No. 5,686,059 purportedly teaches a nine amino acid fragment that supposedly corresponds to amino acid residues 164-172 of applicant's claimed amino acid sequence which is encoded by SEQ ID No.1. Official Communication at 10. Applicants will address the teachings, or lack thereof, of the '059 patent should such patent be applied against the elected claims.

¹ It appears that the Examiner intended to recite Groups I-LXXVIII. Otherwise, there would be no reason supporting the alleged lack of unity between Groups IV-LXXVIII.

Notwithstanding, even if lack of unity or restriction is proper, the Examiner must still establish that there would be an undue burden to examine all of the groups together in the same application. Here, no such burden exists since as the Examiner has acknowledged, in stating which each group is drawn to, the groups all involve an integrin subunit $\alpha 11$. Thus, a search for one group involving an integrin subunit $\alpha 11$ would necessarily include the other groups involving integrin subunit $\alpha 11$. Accordingly, the search of all the claims together in the same application would be co-extensive. Because there is no undue burden in examining all of the claims of Groups I- LXXVIII together in the same application, the lack of unity/restriction requirement should be withdrawn.

Since none of the Groups XI, XVIII, XXV, XXXII, XXXIX, XLVI, LIII, LX or LXVIII have been elected, the election of species requirement set forth on page 11 of the Official Communication is inapplicable.

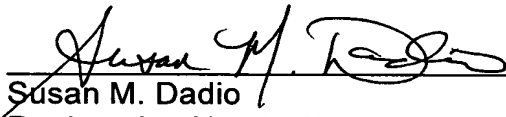
Applicant reserves the right, should the lack of unity/restriction requirement not be withdrawn, as requested to file a divisional application directed to any of the non-elected subject matter.

In the event that there are any questions relating to this Amendment and Reply to Restriction Requirement, or the application in general, it would be appreciated if the Examiner would contact the undersigned attorney concerning such questions so that prosecute of this application may be expedited.

Respectfully submitted,

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